IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 444 of 1983

For Approval and Signature:

Hon'ble MR.JUSTICE RAVI R. TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PRAFULCHANDRA SHIVABHAI PATEL

Versus

MUNICIPAL CORPORATION OF CITY OF AHMEDABAD

Appearance:

MR PV NANAVATI for Petitioners

(MR GN DESAI) for Respondent No. 1

NOTICE SERVED for Respondent No. 2

NOTICE SERVED BY DS for Respondent No. 3, 7

MR MANOJ N POPAT for Respondent No. 6

CORAM : MR.JUSTICE RAVI R. TRIPATHI

Date of decision: 19/01/2001

ORAL JUDGEMENT

The present petition is filed by the petitioners challenging issuance of show cause notices dated 3.3.1980

and 6.6.1980, Annexures 'B' and 'C' respectively to the petition, by the respondent corporation under sec.68 of the Town Planning and Urban Development Act, 1976.

2. It is shocking that the matter challenging the show cause notices is pending before the Court for a period as long as 17 years. The natural course should have been to reply the said show cause notices and contend before the authorities what the petitioners want to contend before this Court. The contention which is raised in this petition is that if the respondents are allowed to implement the said notices, the result would be that they will be deprived of their valuable land and at the same time, the respondents would not be able to give them full extent as Final Plot No.131. This is not the stage at which the Court shall go into all those contentions raised by the petitioners as the petition is challenging only the show cause notices.

3. The present petition is dismissed on a short ground that the petitioners shall file their reply to the said show cause notices within a period of 3 weeks from today and the respondent Corporation shall decide the same within four weeks from the date of receipt of such reply of the petitioners. In view of the aforesaid direction the present petition fails. The same is disposed of in the aforesaid terms. Rule is discharged. Interim relief is vacated. No order as to costs.

(Ravi R. Tripathi, J.)

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